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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 69th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 April 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 5.35 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS.

(agenda item 9) (continued) (E/CN.4/1997/L.47, 69, 112, 114)

1. The CHAIRMAN invited the Commission to take up the remaining draft resolutions under agenda item 9.

Draft resolution on the composition of the staff of the Centre for Human Rights (E/CN.4/1997/L.47)

2. Mr. REYES (Cuba), introducing a draft decision concerning the draft resolution whereby the Commission would decide to defer its consideration until the fifty-fourth session, said that, although his delegation considered the draft resolution to be a valid one, it preferred to postpone a decision until the process of consultations on the text had been completed.

3. The CHAIRMAN said he took it that the Commission wished to adopt the draft decision.

4. It was so decided.

Draft resolution on human rights and mass exoduses (E/CN.4/1997/L.69)

5. Mr. LORD (Canada), introducing the draft resolution on behalf of its sponsors, said that the orally revised text was the result of intensive discussions among many delegations and that, although more dialogue would be required to further mutual understanding, the text constituted a positive step forward.

6. Ms. GHOSE (India), introducing her delegation's proposed amendments to the draft resolution, said that the original text had posed serious difficulties for her delegation, not least because no open-ended consultations had been held on a text which concerned an important issue. The developing countries, which had been both the source and recipient of major refugee flows, had not been consulted.

7. The original draft dwelt disproportionately on operational humanitarian issues that were the responsibility of the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian agencies, at the expense of human rights issues, thereby losing focus and clarity. It also strayed into coordination issues pertaining to the Economic and Social Council.

8. It neglected crucial issues relating to mass exoduses, focused narrowly on one phase of the refugee cycle relating to countries of origin and return, and ignored the implications for human rights of the erosion of and threat to the institution of asylum. It made no reference to the Universal Declaration of Human Rights, which enshrined the right to seek and enjoy asylum and the right to return. The reference to the principle of non-refoulement was also not strong enough.

9. The phenomenon of mass exoduses was mainly prevalent among developing countries, but the original text did not pay adequate attention to their perspectives on the subject. Apart from armed conflict and violations of human rights in countries of origin, poverty and lack of socio-economic development were root causes contributing to mass exoduses, and the problems that gave rise to such exoduses must be addressed by the international community as well as by the States concerned. The role played by technical cooperation programmes in assisting States facing the phenomenon of mass exoduses should also be highlighted.

10. Given the importance of the issue, a compromise text had been evolved which accommodated some of her concerns, and her delegation was thus withdrawing its amendments to the draft resolution, as orally revised, in the interests of consensus.

11. Mrs. KLEIN (Secretary of the Commission) said that the representatives of the Netherlands and Uruguay and the observers for Equatorial Guinea, Greece, New Zealand and Norway had become sponsors of the draft resolution.

12. The CHAIRMAN, noting that there were no financial implications, said that he took it that the Commission wished to adopt the draft resolution, as orally revised.

13. It was so decided.

Draft resolution on strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights (E/CN.4/1997/L.114)

14. Mr. van WULFFTEN PALTHE (Netherlands) introducing the draft resolution on behalf of its sponsors, said that it was a compromise text which sent a good signal to the Commission for its 1998 session. The negotiations had been conducted on the understanding that the draft resolution on the composition of the staff of the Centre (E.CN.4/1997/L.47) would be withdrawn. Many issues were dealt with in a balanced manner, and the draft resolution avoided micromanagement of the Centre, which should continue to implement the rules and regulations of the United Nations.

15. The lack of financial resources for the Office had made it virtually impossible for the High Commissioner to carry out his mandates. Later in the year, the new High Commissioner would have to follow up the work of his or her predecessor. In the meantime, the Officer-in-Charge had to implement many decisions without delay.

16. The most important message of the draft resolution was, perhaps, its support for the ongoing efforts of the Secretary-General, the

High Commissioner and the Officer-in-Charge to strengthen and streamline the Organization's human rights efforts. Further efforts were needed and should be supported in full by the international community, notably by providing additional funding, which should be made available not only on a voluntary basis; a substantial increase in the human rights programme of the 1998-1999 regular budget was also needed.

17. Mrs. KLEIN (Secretary of the Commission) said that the observers for Australia and New Zealand had removed their names from the list of sponsors while the representative of Nepal and the observers for Estonia, Hungary, Israel, Lithuania and Romania had become sponsors of the draft resolution.

18. Mr. CHOWDHURY (Bangladesh) said that his Government attached special priority to strengthening the Centre as a major contribution to the Commission's work.

19. Ms. GHOSE (India), and Mr. PEREZ OTERMIN (Uruguay) said that their delegations wished to become sponsors of the draft resolution.

20. Mr. REYES (Cuba) said, with respect to a comment by the representative of the Netherlands, that he had never agreed to the withdrawal of the draft resolution on the composition of the staff of the Centre (E/CN.4/1997//L.47) but had always insisted on the need for flexibility and for a change in the current geographical composition of the Centre's staff. As a result of the flexibility of certain sponsors of the draft resolution currently under discussion, however, his delegation had been willing to defer consideration of the text until the following year. The only basis for its acceptance of the deferral was the confidence it placed in the Office of the High Commissioner to find a solution to the problem. If the situation did not improve, however, his delegation would submit a similar draft resolution in 1998.

21. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the draft resolution (E/CN.4/1997/L.114) without a vote.

22. It was so decided.

23. Mr. LOFTIS (United States) said that his delegation had accepted the adoption of draft resolution E/CN.4/1997/L.114 without a vote but believed that parts of the text reflected an attempt at micromanagement of the Secretariat, of which it did not approve. The resolution dealt in part with subjects that were the prerogative of the Secretary-General in his capacity as chief administrative officer of the Organization. It also failed to acknowledge that staffing and recruitment decisions and other management issues must be considered in the context of the entire Secretariat, and not just the Office of the High Commissioner.

24. Mr. KONISHI (Japan), speaking in explanation of position on the draft resolution on human rights and terrorism (E/CN.4/1997/L.74), said that his delegation had supported the text because it unequivocally condemned all acts, methods and practices of terrorism, regardless of their motivation, in all forms. While the sixteenth preambular paragraph referred to the possibility of considering in the future the elaboration of a convention on international terrorism, his delegation took the view that the question would be better handled in other forums.

25. Mr. SPLINTER (Canada) said that his delegation had participated in the adoption without a vote of the draft decision deferring consideration of the draft resolution on the composition of the staff of the Centre for Human Rights (E/CN.4/1997/L.47) but noted that the subject matter thereof was addressed in the resolution just adopted on strengthening of the Office of the High Commissioner (E/CN.4/1997/L.114). That resolution had been adopted without a vote after open-ended and extensive negotiations and his delegation failed to see the need to keep draft resolution E/CN.4/1997/L.47 before the Commission.

26. His delegation had also participated in the adoption without a vote of the draft resolution on regional arrangements in the Asian and Pacific region (E/CN.4/1997/L.68/Rev.1), but observed that paragraph 20 addressed matters within the prerogative of the Secretary-General, on which the Commission was not competent to pronounce. Paragraph 6 included assertions of law which remained open to debate.

27. Speaking also on behalf of the delegations of Australia and New Zealand, he said that they had joined in the adoption without a vote of the draft resolution on strengthening of the Office of the High Commissioner (E/CN.4/1997/L.114) but that, although traditional sponsors of the resolution on the subject, they had been unable to be sponsors of that draft resolution because some new elements had been introduced which did not belong in a Commission resolution and constituted interference in personnel and financial matters that were properly the prerogative of the Secretary-General. Matters of personnel management, such as the call for early dissemination of information on vacancies, should be addressed by the General Assembly. Where the General Assembly had established rules of general application for the United Nations system, it was inappropriate for the Commission to attempt to establish rules of personnel and financial management particular to the Office and the Centre.

28. Paragraph 5, subparagraph (e), also requested the High Commissioner to duplicate a task assigned to the Secretary-General by General Assembly resolution 49/222. That was unwarranted, particularly at a time when the United Nations human rights programme did not have resources commensurate to its needs.

29. Mr. REYES (Cuba) said he was greatly concerned and reserved about the appropriateness of the resolution on human rights and mass exoduses (E/CN.4/1997/L.69) to the work of the Commission. At the fiftieth session of the General Assembly, his delegation had told the delegation of Canada that the treatment of the issue was extremely discriminatory, focusing on only one aspect of mass exoduses and ignoring their structural causes. His delegation continued to have that concern, and, at the fifty-second session of the General Assembly, would take appropriate action to avoid the issue being addressed in the same manner. He also questioned the appropriateness of the Commission to deal with the issue.

The meeting rose at 6.10 p.m.